THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.10847 of 1998
Date: 21-03-2007

Between:
K.Jyothi

Petitioner

And

The Chairman, RPF Constable Selection Board,
S.C.Railway, Rail Nilayam, Secunderabad and two others.

Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.10847 of 1998

ORDER:

1. This writ petition has been instituted by an young aspirant who competed for recruitment to the post of 'Woman Constable' in the Executive Branch of Railway Protection Force. The South Central Railway has taken out Employment Notice No.1/1996 dated 22-10-1996 initiating the process of recruitment to 50 posts of Women Constables in the Executive Branch of the Railway Protection Force. Out of the total number of posts, 14 are reserved for OBC category, 7 for SC category and 4 for ST category candidates leaving the balance 25 posts for open competition. The writ petitioner claimed the recruitment on the strength and basis that she belongs to Scheduled Caste category. Out of 310 candidates who have been called for the recruitment process, only 197 candidates have turned up and these candidates were subjected to physical measurements and physical efficiency tests. 36 of them were found to be substandard height and further 26 of them have failed to qualify physical efficiency test. The remaining 135 candidates were allowed to take the written examination and the result of the written test was announced on 14-03-1997. 5 candidates belonging to the Scheduled Caste category and 2 candidates belonging to the Scheduled Tribe category have failed in the written test and the remaining 128 candidates were subjected to interview process by a Selection Committee headed by the Divisional Security Commissioner, Phalghat, Southern Railway. On 15-03-1997, this committee has finalized the selection and exhibited the names of the selected candidates. In the

exhibited selection list, the name of Ms. K.Jhansi was shown at Serial No.42 and against her name, the petitioner's hall ticket number has been noted as 135/99835. Incidentally, the writ petitioner-Ms.K.Jyothi was assigned hall ticket No.99835. Therefore, this has led to a misapprehension in the mind of the writ petitioner that at Serial No.42 of the selected candidates list instead of typing her name as K.Jyothi, a typographical error has crept in and the name of K.Jhansi has been typed. Therefore, her father had taken up the matter very immediately asking for correction of this error. The writ petitioner had entertained a reasonable basis for her apprehension inasmuch as she has passed through the written examination. She had also appeared for the interview test and her hall ticket number is correctly typed. Since she is also a member belonging to the Scheduled Caste, she perhaps felt that instead of typing out her name as K.Jyothi, erroneously it was typed wrongly in the selection list as K.Jhansi. Finding a lukewarm response from the Railway Administration, the writ petitioner got issued a legal notice on 23-09-1997. Then a reply has been furnished pointing out that it is not the writ petitioner who was selected in the selection but in fact, it is Ms.K.Jhansi who got selected, but unfortunately while noting down the hall ticket number of Ms.K.Jhansi, the hall ticket number of the writ petitioner has been erroneously typed out. Thus in other words, the Railway Administration asserts that the mistake in type writing did not occur with regard to the name but it occurred while noting down the hall ticket number. Instead of correctly noting down the hall ticket number of the selected candidate Ms. K.Jhansi, the hall ticket number of the writ petitioner, who is not selected, has been type written. The explanation offered was that the names of K.Jhansi and K.Jyoti (writ petitioner) were incorporated in the preparatory note at Serial Nos. 62 and 63 and consequently while finalizing the selections, erroneously the hall ticket number of

the writ petitioner has been got entered against the name of Ms.K.Jhansi, who got selected.

2. The counter affidavit, which was sworn to by the Chief Security Commissioner, South Central Railway, Secunderabad, has disclosed that as a fact Ms. K.Jhansi daughter of Kumaraiah has secured 52 marks, whereas Ms. K.Jyoti daughter of K.Gangappa (writ petitioner) has only secured 46 marks. The counter affidavit has further asserted that 4 candidates from OBC category and 6 candidates from the Scheduled Caste category got selected by virtue of their merit position against the vacancies for open category. It is therefore clear that the writ petitioner who has secured only 46 marks could not be the same person who had been selected, for, it is K.Jhansi who got 6 more marks than the writ petitioner. It is obvious that the case of the writ petitioner has received a fair and reasonable treatment during the process of selection but unfortunately due to an oversight against the name of Ms. K.Jhansi, the hall ticket number of the writ petitioner was got written. If only the respondents have been little more careful this unintended problem could have been avoided. I therefore do not find any merit in this writ petition and the same is liable to be dismissed.

3. Because of the unfortunate oversight committed at the hands of the respondents, the writ petitioner has entertained and nurtured a hope that she got selected for public employment. While I have no doubt in my mind that the respondent officials would have taken adequate care but what does not impress me much was their attitude in not being transparent in the aftermath of noticing the oversight. If only the respondents had called the writ petitioner or her father and showed her as to how the error had crept in in noting down her hall ticket number, perhaps the writ petitioner would not have troubled or bothered herself any further. While it is true that in spite of the best care and caution some

mistakes can creep in but there is no justification not to be transparent after noticing such an oversight.

4. With the hope and trust that the Railway Administration will be more careful in future in matters of this nature, I dismiss this writ petition.

5. The writ petition is dismissed, but however, without costs.

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NOOTY RAMAMOHANA RAO,J

21-03-2007
Stp